

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

OWEN SULLIVAN,

Plaintiff,

vs.

AFSMCE LOCAL 4041,

Defendant.

3:12-cv-00457-RCJ-WCG
ORDER

Plaintiff sued Defendant (in its capacity as an employer) under the Age Discrimination in Employment Act, filing a two-page Complaint in August 2012. Defendant answered in November 2012. The parties participated in an Early Neutral Evaluation (“ENE”) session in December 2012 that did not result in a settlement. Defendant filed the pending Motion for Summary Judgment (ECF No. 15) in June 2013. Plaintiff, whose prosecution of the case after filing the Complaint appears to have consisted entirely of having participated in the ENE over a year ago, has neither responded nor requested additional time to respond in the six-plus months the Motion has been pending.

On February 3, 2014 this Court entered an Order, in which it explained that under Local Rule 7-2(d) Plaintiff had already forfeited his right to respond to the pending Motion and that the Court would therefore grant the Motion if it needed to examine the merits and Defendant had satisfied its initial burden on summary judgment. (ECF No. 17). However, the Court also explained that before it would examine the Motion, it would first order Plaintiff to show cause why the case should not be dismissed for lack of prosecution. (*Id.* (citing LR 41-1)). Specifically, the Court ordered Plaintiff to “SHOW CAUSE by written briefing within seven (7) days of the

1 entry of this Order into the electronic docket why the case should not be dismissed for lack of
2 prosecution.” (ECF No. 17) Plaintiff has not shown cause or otherwise responded. This case is
3 therefore dismissed.

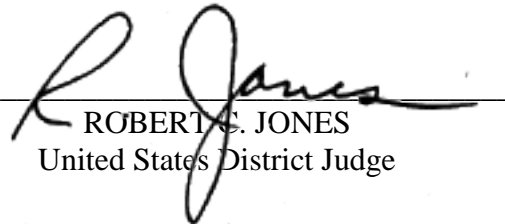
4 **CONCLUSION**

5 IT IS HEREBY ORDERED that this case is DISMISSED for lack of prosecution, and the
6 Clerk of the Court shall enter judgment accordingly.
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8 IT IS FURTHER ORDERED that Defendant’s Motion for Summary Judgment (ECF No.
9 15) is DENIED as MOOT.

10 IT IS SO ORDERED.
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12 Dated: February 14, 2014

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15 ROBERT E. JONES
16 United States District Judge
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